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\*ALSO ADMITTED IN ILLINOIS

OF COUNSEL  
NEIL E. SHOOK  
PHYLLIS M. MCGURK  
DIANE WITHEM ROE  
DIXON B. DANN  
JENNIFER LEVIN SINDER  
JOHN M. ROGERS

RECEIVED

JUL - 2 2001

FCC MAIL ROOM

June 29, 2001

The Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Received

JUL 3 2001  
Common Carrier Bureau  
Network Services Division  
Office of the Chief

Via Federal Express

Re: Alan Glock and Carolyn Glock  
Vs: Americom Network, Inc., Larry  
Brown  
Case No. IP 99-542-C-M/S

95-155

Gentlemen:

Enclosed please find our Petition for Waiver in Limited Instance and proposed Order in the above-referenced matter.

Sincerely,

RUBIN & LEVIN, P.C.

  
Christine Hayes Hickey

CHH/sjr

Enclosure

cc: Diane Harmon, - via Federal Express  
Chief of Network Services Division  
Jennifer Gorny, Esq. - via Federal Express

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No. of Copies rec'd 2  
List A B C D E

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Waiver of Rule Prohibiting Transfer of )  
Toll Free Numbers in Limited Instance )

ORDER ON PETITION FOR WAIVER IN LIMITED INSTANCE

Come now the petitioners, Alan Glock and Carolyn Glock, and having heretofore filed their Petition for Waiver in Limited Instance, and the Commission having reviewed the same, and being fully advised in the premises, now finds that said petition should be GRANTED. Therefore, it is

ORDERED that the toll free numbers, 1-800-WeDeliver, 1-800-FreeDelivery, 1-888-FreeDelivery, and 1-877-FreeDelivery, may be transferred, sold, and/or otherwise disposed of pursuant to, and in accordance with, further order of the United States District Court in the matter of Alan Glock and Carolyn Glock, Plaintiffs, vs. Americom Network, Inc., et al., Defendants, pending under Case No. IP 99- 542-C-M/S.

DATED: \_\_\_\_\_

\_\_\_\_\_

Distribution: See Attached.

Christine Hayes Hickey  
Atty No. 17375-49  
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G:\WP80\SHIRLEY\pleading\glock-order

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Received

JUL 3 2001

Common Carrier Bureau  
Network Services Division  
Office of the Chief

In the Matter of )  
 )  
Waiver of Rule Prohibiting Transfer of )  
Toll Free Numbers in Limited Instance )

To: The Secretary of the Commission

PETITION FOR WAIVER IN LIMITED INSTANCE

Come now the petitioners, Alan Glock and Carolyn Glock, by the undersigned counsel, pursuant to 47 C.F.R. § 1.3, and hereby petition the Commission for waiver of its Regulation prohibiting the private sale or transfer of certain, identified toll-free numbers in a limited instance, and in support thereof would state as follows:

1. Pursuant to 47 C.F.R. §1.3, any provision of the rules of the FCC may be waived by the Commission on petition if good cause therefor is shown.

2. Generally, the Commission has prohibited the “hoarding” and brokering of toll free numbers, 47 C.F.R. § 52.107; such numbers “shall be made available on a first-come, first-served basis *unless otherwise directed by the Commission.*” 47 C.F.R. §52.111 (emphasis added).

3. In the matter of Alan Glock and Carolyn Glock, Plaintiffs (hereinafter collectively referred to as the “Glocks”) vs. Americom Network, Inc., et al., pending in the United States District Court for the Southern District of Indiana, under Cause No. IP99-542-C-M/S, the Glocks hold an unpaid judgment entered by the Court on January 11, 2000, in the principal sum of \$330,000.00, plus interest, attorneys fees and costs (the “Judgment”). A true, exact and authentic copy of the Judgment is attached hereto as Exhibit “A”.

4. No payments have been made toward the Judgment, and the full principal balance, plus all accrued interest, attorneys fees and costs remains unpaid.

5. Evidence submitted in the course of post-judgment execution proceedings revealed that the only asset of any value which could be applied toward the satisfaction of the Judgment was the judgment defendant's right to the use of four toll free numbers: 1-800-WeDeliver, 1-800-FreeDelivery, 1-888-FreeDelivery, and 1-877-FreeDelivery (hereinafter the "Vanity Numbers").

6. The United States District Court issued an Order Restraining the Transfer, Encumbrance or Disposal of Assets on August 14, 2000, and thereafter entered an Order allowing for the transfer, by auction or otherwise, of the Vanity Numbers. True, exact and authentic copies of the Orders are attached hereto as Exhibits "B" and "C", respectively.

7. Thereafter, following response of the judgment defendant, the District Court issued an Entry dated March 14, 2001, wherein the Court reaffirmed its prior Order (Exhibit "C" hereto), allowing plaintiffs the right to seize the only asset available for satisfaction of the Judgment by petitioning the FCC for waiver of its prohibition on the transfer of the Vanity Numbers, and selling the same to apply the proceeds to the unpaid Judgment herein. A true, exact and authentic copy of said Entry is attached hereto, made a part hereof, and marked Exhibit "D".

8. The instant request for waiver is being made to seek the ends of justice and allow the Glocks to attempt to satisfy their unpaid Judgment.

9. Clearly, both 47 C.F.R. §1.3 and 47 C.F.R. § 52.111, contemplate that the Commission has the authority and the ability to grant the relief requested herein.

10. To not allow the transfer of the Vanity Numbers as contemplated by petitioners would render uncollectible the Judgment and leave the petitioners without a remedy or other form of relief.

11. This request for waiver is being sought solely for the purposes recited herein, for the limited purpose of allowing the Vanity Numbers identified herein to be sold for the greatest amount that can be obtained, for the sole purpose of attempting to satisfy the Judgment entered by the United States District Court.

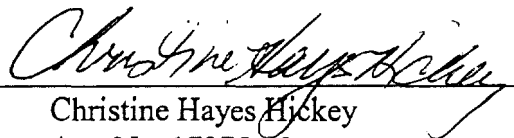
12. This request does not involve the public in general insofar as the general prohibition on transfers of vanity numbers; it does not affect the public as a whole; and does not concern a matter of great public import insofar as the waiver is being requested only in this limited instance, for the purposes set forth herein, to accomplish and comply with an Order entered in Federal Court, and the interests of justice weigh in favor of granting the relief requested herein.

13. Because of the limited nature of the relief requested, and the desire for an expedited ruling, petitioners request a favorable ruling on their request either in the form of an Order or letter authorizing the transfer of the Vanity Numbers in accordance with further order of the District Court.

WHEREFORE, the petitioners respectfully request that the Commission waive its prohibition on the transfer, sale, or other disposition of the Vanity Numbers set out herein; that an expedited ruling be entered to allow petitioners to proceed to collect on their Judgment; and for all other relief just and proper.

Respectfully submitted,

RUBIN & LEVIN, P.C.

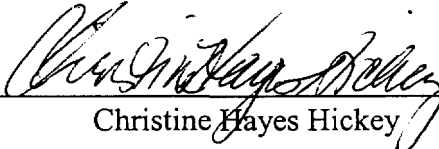
By:   
Christine Hayes Hickey  
Atty No. 17375-49

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Waiver has been served upon the following by Federal Express Overnight Mail, postage prepaid, this 27<sup>th</sup> day of June, 2001:

Diane Harmon  
Chief of Network Services Division  
The Federal Communications Commission  
Room 6A 207  
445 12<sup>th</sup> Street SW  
Washington D.C. 20554

Jennifer Gorney, Esq.  
The Federal Communications Commission  
Room 6A 207  
445 12<sup>th</sup> Street SW  
Washington D.C. 20554

  
Christine Hayes Hickey

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

In the Matter of:

ALAN GLOCK and CAROLYN GLOCK,

Plaintiffs,

and

AMERICOM NETWORK, INC., LARRY E.  
BROWN and DARLENE D. ROBERTS,

Defendants.

CAUSE NO. IP99-542-C-M/S

**DEFAULT JUDGMENT**

Come now the Plaintiffs, by counsel, and having filed this Motion For Default Judgment in the above titled action, and it appearing to the Court:

That Summons and copy of Plaintiff's Complaint were served upon Defendant Americom Network, Inc. as shown by Affidavit Confirming Service, attached to the Motion for Default Judgment at Exhibit A, which is now a part of the record herein;

That the Court having acquired jurisdiction over Defendant Americom based upon said service of process, has subject matter and personal jurisdiction of this cause by statute;

That no responsive pleading has been filed by Defendant Americom;

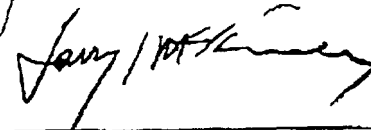
And the Court being duly advised in the premises, **NOW FINDS** for the Plaintiffs and against Defendant Americom in the above-entitled action, as to all issues raised by Plaintiffs' Complaint, that the allegations of Plaintiffs' Complaint are true, and Plaintiffs are entitled to a judgment against Defendant Americom, by default in the amount of \$330,000.00, lost interest of eight percent (8%),

**EXHIBIT** "A"



costs of the this action and Plaintiffs' reasonable attorneys' fees, as provided under the Indiana Securities Act at Indiana Code 23-2-1-19(a); all without relief from valuation and appraisalment of laws.

ALL OF WHICH IS ORDERED this 11<sup>th</sup> day of Jan., 2000.



The Honorable Larry J. McKinney, Judge  
United States District Court

Distributions to:

Jeffrey V. Gery, Esq.  
Maddox Koeller Hargett & Caruso  
7351 Shadeland Station, Suite 190  
Indianapolis, IN 46256

Larry E. Brown and  
Americom Network, Inc.  
16419 Spruce Way, Suite C-5  
Lynwood, Washington 98037

Darlene Roberts  
24724 Eden Avenue  
Hayward, California 94545

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

ALAN GLOCK and CAROLYN GLOCK,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
AMERICOM NETWORK, INC.,	)	
LARRY E. BROWN, and	)	Cause No. IP99-542-C-M/S
DARLENE D. ROBERTS,	)	
	)	
Defendants,	)	
	)	
CABLE & WIRELESS,	)	
AT&T LONG DISTANCE BUSINESS,	)	
DARLENE D. ROBERTS, and	)	
LARRY E. BROWN,	)	
	)	
Garnishee Defendants.	)	

**ORDER RESTRAINING TRANSFER, ENCUMBRANCE OR DISPOSAL OF ASSETS**

Comes now the Court, and having heard evidence and argument on Plaintiffs' Verified Motion for Proceeding Supplemental as to Americom Network, Inc. and for Order of Transfer/ Turnover at a hearing on August 7, 2000, at which plaintiffs were present by counsel and defendant, Americom Network, Inc., was present by Larry E. Brown and Darlene D. Roberts, and the Court being duly advised in the premises finds that plaintiffs are entitled to an ORDER restraining Americom Network, Inc. by and through Larry E. Brown and/or Darlene D. Roberts and/or any other authorized agent thereof from transferring, encumbering, or disposing of certain assets identified as any and all rights Americom Network, Inc. has in and to the following telephone numbers: 1-800-WeDeliver, 1-800-FreeDelivery, 1-888-FreeDelivery, and 1-877-FreeDelivery. It is therefore,

ORDERED, ADJUDGED AND DECREED that Americom Network, Inc., by and through Larry E. Brown, Darlene D. Roberts, and any other officers, agents, servants, employees and attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this order

**EXHIBIT** *211*

by certified mail or personal service or otherwise, be, and hereby are, enjoined and restrained from and against any and all efforts to sell, transfer, alienate, encumber, or dispose of the assets specified herein until further order of this Court. This restraining order also includes the transfer of the end-user for any of the above phone numbers, and the transfer of the Responsible Organization (RespOrg) therefor.

Failure to abide by this Order will result in contempt of Court.

Dated: 14 AUG. 2000

V. Sue Shields

V. Sue Shields, Magistrate  
UNITED STATES DISTRICT COURT  
Room 256, U.S. Courthouse, 46 E. Ohio St.  
Indianapolis, IN 46204 317-229-3670

Christine Hayes Hickey  
Atty. No. 17375-49  
RUBIN & LEVIN, P.C.  
342 Massachusetts Avenue, #500  
Indianapolis, Indiana 46204-2161  
317/634-0300 FAX: 317/263-9411  
CHH/agm  
G:\WP80\ANGIE\PLEADING\Americom-Ord

**(The following manner of service of this Order is hereby designated.)**

CERTIFIED MAIL--Return Receipt Requested  
Americom Network, Inc.  
By Serving: Larry E. Brown, or Next Highest  
Executive Officer Found  
16419 Spruce Way, Ste. C-5  
Lynwood, WA 98037

**(The following manner of service of this Order is hereby designated.)**

CERTIFIED Mail--Return Receipt Requested  
Americom Network, Inc.  
By Serving: Darlene D. Roberts, or Next Highest Executive  
Officer Found  
24724 Eden Ave.  
Hayward, CA 94545

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

ALAN GLOCK and CAROLYN GLOCK,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
AMERICOM NETWORK, INC.,	)	
LARRY E. BROWN, and	)	Cause No. IP99-542-C-M/S
DARLENE D. ROBERTS,	)	
	)	
Defendants,	)	
	)	
CABLE & WIRELESS,	)	
AT&T LONG DISTANCE BUSINESS,	)	
DARLENE D. ROBERTS, and	)	
LARRY E. BROWN,	)	
	)	
Garnishee Defendants.	)	

ORDER

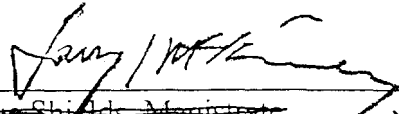
Come now the Court, and on the motion of plaintiffs for Order of Transfer/Turnover, and having heard argument thereon, now finds as follows:

1. Plaintiffs are the owners of an unpaid judgment entered against Americom Network, Inc. in the principal sum of \$330,000.00, plus post-judgment interest, costs and fees;
2. Americom Network, Inc. currently has the right to the use and enjoyment of the following telephone numbers: 1-800-WeDeliver, 1-800-FreeDelivery, 1-888-FreeDelivery, and 1-877-FreeDelivery ("Vanity Numbers");
3. Americom Network, Inc. has no other assets available for satisfaction of plaintiffs' judgment entered herein;
4. That the right to the use of the Vanity Numbers shall be transferred from Americom Network, Inc., liquidated and sold to apply the proceeds therefrom toward satisfaction of the unpaid judgment herein;

**EXHIBIT** *11*

5. That the process of liquidation and/or sale shall be determined by further order of this Court.

Dated: DEC 20 2000

  
~~V. Sue Shields, Magistrate~~ Judge  
UNITED STATES DISTRICT COURT  
Room 256, U.S. Courthouse, 46 E. Ohio St.  
Indianapolis, IN 46204 317-229-3670

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Larry E. Brown  
Americom Network, Inc.  
16419 Spruce Way, Ste. C-5  
Lynwood, WA 98037

Darlene D. Roberts  
Americom Network, Inc.  
24724 Eden Ave.  
Hayward, CA 94545

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ALAN GLOCK, and	)	
CAROLYN GLOCK,	)	
	)	
Plaintiffs,	)	
vs.	)	IP 99-542-C-M/S
	)	
AMERICOM NETWORK, INC.,	)	
LARRY E. BROWN,	)	
	)	
Defendants.	)	

ENTRY CONCERNING DEFENDANT BROWN'S  
RESPONSE TO PLAINTIFFS' POST-HEARING MEMORANDUM

I.

The court's order of December 29, 2000, represents its determination that the plaintiffs, the owners of an unpaid judgment against defendant Americom Network, Inc. (Americom), were entitled to attachment and liquidation of a certain category of assets of Americom known as vanity telephone numbers. Four such numbers in particular were identified. The order of December 29, 2000, directs that the ownership of the vanity telephone numbers was to be liquidated and sold, with proceeds to be applied to the unpaid judgment against Americom. The court's earlier order of August 14, 2000, restraining Americom and defendant Larry Brown from transferring, encumbering or disposing of the vanity telephone numbers until further order of the court, remains in effect.

On January 8, 2001, the court vacated the December order insofar as it might be construed to affect Brown's rights and obligations; however, the order remained in place as to Americom. This Entry addresses Brown's response to the plaintiffs' post-hearing memorandum of December 1, 2000, which was the precursor of the order of December 29, 2000, and directs further proceedings.

II.

A.

Brown states that he believes that no response to the plaintiffs' post-hearing memorandum by him is necessary, because of action taken by the court in January, 2001. Brown is in error. A careful reading of the January 8, 2001, Entry simply rescinded the order attaching and ordering liquidation of the vanity phone numbers "insofar as it could be construed to affect the rights or obligations of defendant Larry Brown." In fact, this was somewhat illusory, because Larry Brown *qua* defendant was not impacted by the order of December 29, 2000, though Larry Brown *qua* garnishee defendant was affected.

EXHIBIT "D"

Brown was simply given additional time to respond to the plaintiffs' effort to attach an asset—virtually the only asset—of Americom and execute on its judgment against Americom.

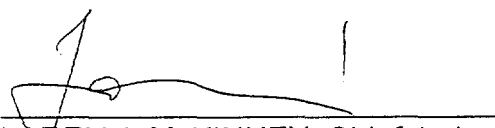
Next, Brown seek clarification of the court's "August 12, 2000 Order." On August 14, 2000, the court issued an Order Restraining Transfer, Encumbrance or Disposal of Assets. The assets in question were the four vanity telephone numbers owned by Americom. The court ordered that Americom, its officers, agents, servants, employees and attorneys and all other persons, including but not limited to Brown and Darlene Roberts (a former defendant in this action and a garnishee defendant), were forbidden to and restrained from selling, transferring, alienating, encumbering or disposing of the vanity numbers in any manner until a further court order. No clarification of the order of August 14, 2000, appears warranted or necessary. Brown, who is not an attorney, is not entitled to submit counter-proposals on behalf of the judgment debtor, Americom, at least in the sense that the court would recognize these matters as coming from Americom.

To the extent that Brown, whether as defendant or as garnishee defendant, seeks modification or relief from the orders of August 14, 2000, or December 29, 2000, that request is **denied** and the order of December 29, 2000, is **reinstated** insofar as it could be construed to affect the rights or obligations of defendant Larry Brown.

## II.

The plaintiffs are now entitled to petition the FCC for waiver of its regulation prohibiting transfer of a telephone number in the manner contemplated by the plaintiffs, and approved in the order of December 29, 2000. The plaintiffs shall **report within thirty (30) days** whether they have done so.

IT IS SO ORDERED.

  
LARRY J. McKINNEY, Chief Judge  
United States District Court

Date: March 14, 2001

Copies to:

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Indianapolis, IN 46204-2161

Larry E. Brown, P.O. Box 1207, Ash Fork, AZ 86320

Larry E. Brown, AmeriCom Network, Inc., 16419 Spruce Way, # C-5, Lynnwood, WA  
98037